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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/997,502

11/20/2001

Motoi Sato

44471-266545 (13700)

7414

23370

7590

09/01/2006

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EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/997,502

**Applicant(s)**

SATO ET AL.

**Examiner**

James A. Kramer

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Linden et al.

#### **Analysis of Rejection as presented in the previous Office Action:**

Linden et al. teaches a collaborative recommendations using item-to-item similarity mappings. A recommendations service recommends items to individual users based on a set of items that are known to be of interest to the user, such as a set of items previously purchased by the user (access logs). In the disclosed embodiments, the service is used to recommend products to users of a merchant's Web site. The service generates the recommendations using a previously-generated table which maps items to lists of "similar" items. The similarities reflected by the table are based on the collective interests of the community of users. For example, in one embodiment, the similarities are based on correlations between the purchases of items by users (e.g., items A and B are similar because a relatively large portion of the users that purchased item A also bought item B). The table also includes scores which indicate degrees of similarity between individual items. To generate personal recommendations, the service retrieves from the table the similar items lists corresponding to the items known to be of interest to the user. These

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similar items lists are appropriately combined into a single list, which is then sorted (based on combined similarity scores) and filtered to generate a list of recommended items. Also disclosed are various methods for using the current and/or past contents of a user's electronic shopping cart to generate recommendations. In one embodiment, the user can create multiple shopping carts, and can use the recommendation service to obtain recommendations that are specific to a designated shopping cart. In another embodiment, the recommendations are generated based on the current contents of a user's shopping cart, so that the recommendations tend to correspond to the current shopping task being performed by the user.

Examiner notes that Linden et al. teaches monitoring a users shopping habits (access logs) and then mapping these habits to a table in order to generate recommendations. In addition, the above teachings of Linden et al. supports requesting, sorting and saving item ratings based on a users perception of a product he/she has purchased. In other words, after a user has made a purchase, the system of Linden et al. can request the user to rank the item in order to generate a user preference list.

Further analysis by the Examiner:

The following steps are a brief summary of Applicant's invention in the Examiner's own words. These are based on the wording of claims 1 and 2 as well as a description of the invention provided in Applicant's specification on pages 19-21.

In summary Applicant's invention:

- 1) Receives "items rankings" from a user;
- 2) Uses the "items rankings" to make a list of "highly ranked items" for the user;

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- 3) Finds “other users” who have also viewed/purchased the “highly ranked items”;
- 4) Finds “other items” which were viewed/purchased by the “other users”;
- 5) Recommends these “other items” to the user.

Examiner notes that the recommended items of Linden are the same as the recommended items of the present invention. Specifically, both Linden and the present invention recommended items that were viewed/purchased by other users who also viewed/purchased items that were highly ranked by a requesting user.

Applicant argues in the remarks section of the Amendment filed 6/30/06 that Linden only associates item to item mapping. Examiner respectfully disagrees. While the terminology of Linden may be different than the present invention the process is the same. It is the position of that Applicant’s claimed invention is in fact an item to item recommendation engine, as the invention takes “highly ranked items” and maps them to items viewed by users that also viewed the “highly ranked items.” Once again this is the exact same recommendation provided by Linden (see Linden section on “Similar Items Table” starting at column, line 59).

#### ***Response to Arguments***

Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive. Examiner references the “further analysis” section above for a detailed discussion of Applicant’s arguments and the Examiner’s response.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Kramer  
Examiner  
Art Unit 3627

A handwritten signature in black ink, appearing to read 'James A. Kramer', written over the printed name and title.

jak  
8/28/06